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TO:	FAX NUMBER:
Examiner Richard G. Hutson	703-746-5329
USPTO, Art Unit 1652	

FROM: Mark E. Freeman

RE: 09/720,529 Examiner's Amendment

Original Document(s): Will follow not by mail

❖ Please review and call For your information. Per your request. ❖

Message:

Attached are a letter authorizing the suggested Examiner's amendments and copies of a Revocation of Power of Attorney, Power of Attorney and Authorization of Assignee filed in the USPTO on April 17, 2003.

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Docket No.: BB1118 A PCT (7560-90)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Rebecca E. Cahoon

Conf. No.: 2357

Application No.: 09/720,529

Filed: December 20, 2000

Group Art Unit: 1652

For: CHROMATIN ASSOCIATED PROTEINS

Examiner: Richard G. Hutson

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, facsimile no. (703) 746-5329, on the date shown below.

Dated: _____ Signature: _____ (Kathleen Lytle)

Examiner Richard G. Hutson
United States Patent and Trademark Office
Washington, D.C. 20231

By Facsimile April 25, 2003

Dear Examiner Hutson:

Thank you for speaking with me by telephone on April 23, 2003 and again today, and for suggesting amendments. We are pleased to authorize the amendments as detailed below to put the above-referenced application into condition for allowance. Enclosed is a copy of a Revocation of Power of Attorney, a Power of Attorney and the Authorization of Assignee filed in the USPTO on April 17, 2003.

To ensure that I have not misunderstood your suggestions, the following details both my understanding and the amendments authorized by this letter.

First, Claims 19, 20 and 21 are withdrawn without prejudice or disclaimer of the subject matter. The withdrawn claims are directed to a method for producing a plant, a plant comprising the claimed construct and a seed comprising the claimed construct, respectively. The Applicants

understand that they are free to claim this subject matter in a divisional or other continuing application.

Secondly, Claim 12 is to be amended as follows:

12. An isolated polynucleotide comprising:

- (a) a nucleotide sequence encoding a polypeptide having histone deacetylase activity, wherein the polypeptide has an amino acid sequence of at least 95% sequence identity, based upon the Clustal method of alignment with ~~multiple alignment default parameters of GAP PENALTY = 10 and GAP LENGTH PENALTY = 10, and pairwise~~ alignment default parameters of KTUPLE = 1, GAP PENALTY = 3, WINDOW = 5 and DIAGONALS SAVED = 5, when compared to SEQ ID NO:4, or
- (b) a complement of the nucleotide sequence of (a), wherein the complement and the nucleotide sequence consist of the same number of nucleotides and are 100% complementary.

We also would ask the Examiner to amend the specification to correct an obvious error wherein at page 4, line 34, and at page 16, line 18, "KTUPLE 1" should read "KTUPLE = 1".

As I mentioned in our most recent telephone conversation, we have just discovered an inventorship error. A Request for Correction of Inventorship under 37 CFR 1.48(a) will be forthcoming, but we are willing to prosecute this change post-allowance, should it facilitate your efforts.

If I have misunderstood your suggested amendments or should you have questions about any of these issues, please contact me directly at (302) 888-6209. Again, thank you for your favorable consideration of this matter. We look forward to receiving notice of allowance.

Respectfully submitted,
CONNOLLY BOVE LODGE & HUTZ, LLP

By 

Mark E. Freeman

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Attorneys for Applicant

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PTO/SB/82 (10-00)

REVOCATION OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application	09/720,529
Filing Date	December 20, 2000
First Named Inventor	Cahoon et al
Group Art Unit	1653
Examiner Name	Richard G. Hutson
Attorney Docket Number	7560*90 (BB1118LJ SPCT)

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:

A Power of Attorney or Authorization of Agent is submitted herewith.

OR

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I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Name Miriam D. Mcconnahay

Signature *Miriam D. Mcconnahay*

Date 10 April 2003

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

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POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	09/720,529
Filing Date	December 20, 2000
First Named Inventor	Cahoon et al
Title	Chromatin Associated Proteins
Group Art Unit	1653
Examiner Name	Richard G. Hulson
Attorney Docket No.	7560*90 (BB1118USPCT)

I hereby appoint:

 Practitioners at Customer Number →

OR

 Practitioner(s) named below:

Name	Registration Number	Name	Registration Number
Lori Y. Beardell	34,283	William E. McShane	32,707
Lynne M. Christenbury	30,971	Elliot C. Mendelson	42,878
J. Kenneth Joung	41,881	Thor B. Nielsen	45,528
Christine M. Hansen	40,384	Ashley I. Pezzner	35,646
Liza D. Hohenschutz	33,712	Patricia Smink Rogowski	33,791
Zhun Lu	53,242	Mark E. Freeman	48,143
Robert G. McMorrow	30,962	Rudolf E. Hutz	22,397

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

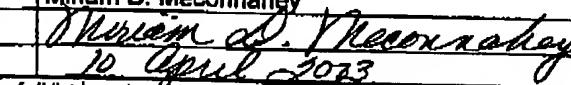
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Zip	19899		
Fax	302-658-5814		
I am the:			
<input type="checkbox"/> Applicant/Inventor.			
<input checked="" type="checkbox"/> Assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).			
SIGNATURE of Applicant or Assignee of Record			
Name	Miriam D. McConnahey		
Signature			
Date	10 April 2003		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required. See below.

Total of 1 forms are submitted.

258066

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: E.I. du Pont de Nemours and CompanyApplication No./Patent No.: 09/720,529 Filed/Issue Date: December 20, 2000Entitled: Chromatin Associated ProteinsE.I. du Pont de Nemours and
Company

(Name of Assignee)

, a

CORPORATIONType of Assignee, e.g., corporation, partnership, university, government
agency, etc.

states that it is:

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-
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The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

10 April 2003
DateMiriam D. McConnahey
Typed or printed name*Miriam D. McConnahey*
SignatureAssistant Secretary - Patent Board
Title